



Security Council

Distr.
GENERAL

S/22939
14 August 1991
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 13 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith the text of a letter dated 13 August 1991 from Mr. Ahmed Hussain, Minister for Foreign Affairs of the Republic of Iraq, concerning a violation of Iraqi airspace by a United States aircraft making an aerial reconnaissance of Iraqi territory.

I should be grateful if you would arrange for the text of this letter and its annex to be circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex

Letter dated 13 August 1991 from the Minister for Foreign
Affairs of Iraq addressed to the Secretary-General

I refer to the letter dated 6 August 1991 from Mr. Wissam Az-Zahawi, Adviser to the Minister for Foreign Affairs of the Republic of Iraq, addressed to Mr. Rolf Ekéus, Executive Chairman of the Special Commission in New York, on the subject of reconnaissance aircraft, a copy of which was transmitted to you by our Permanent Representative, in which we stated our objections to this activity.

I should like to inform you that on 12 August 1991, at 1200 hours local time, an American aircraft making an aerial reconnaissance of Iraqi territory entered Iraqi airspace from Saudi airspace and left at 1515 hours on the same day.

This operation constitutes a flagrant violation of Iraqi airspace and a blatant aggression against the territorial integrity of Iraq, and is incompatible with the purposes and principles of the Charter of the United Nations.

In informing you of this violation I wish formally to place on record our denunciation of this operation which constitutes a grave precedent for the territorial integrity and the inviolability of the airspace of the States Members of the United Nations.

(Signed) Ahmed HUSSAIN
Minister for Foreign Affairs



Security Council

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14 August 1991

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Having considered the note of 30 May 1991 of the Secretary-General pursuant to paragraph 13 of his report of 2 May 1991 (S/22559) which was annexed to the Secretary-General's letter of 30 May 1991 to the President of the Security Council (S/22661),

Acting under Chapter VII of the Charter,

1. Expresses its appreciation to the Secretary-General for his note of 30 May 1991 which was annexed to his letter to the President of the Security Council of the same date (S/22661);
2. Decides that in accordance with the suggestion made by the Secretary-General in paragraph 7 of his note of 30 May 1991, compensation to be paid by Iraq (as arising from section E of resolution 687) shall not exceed 30 per cent of the annual value of the exports of petroleum and petroleum products from Iraq;
3. Decides further, in accordance with paragraph 8 of the Secretary-General's note of 30 May 1991, to review the figure established in paragraph 2 above from time to time in light of data and assumptions contained in the letter of the Secretary-General (S/22661) and other relevant developments.



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Belgium, France, Union of Soviet Socialist Republics,
United Kingdom of Great Britain and Northern Ireland
and United States of America: draft resolution

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 661 (1990), 686 (1991), 687 (1991), 688 (1991), 692 (1991), 699 (1991) and 705 (1991),

Taking note of the report (S/22799) dated 15 July 1991 of the inter-agency mission headed by the executive delegate of the Secretary-General for the United Nations inter-agency humanitarian programme for Iraq, Kuwait and the Iraq/Turkey and Iraq/Iran border areas,

Concerned by the serious nutritional and health situation of the Iraqi civilian population as described in this report, and by the risk of a further deterioration of this situation,

Concerned also that the repatriation or return of all Kuwaitis and third country nationals or their remains present in Iraq on or after 2 August 1990, pursuant to paragraph 2 (c) of resolution 686 (1991), and paragraphs 30 and 31 of resolution 687 (1991) has not yet been fully carried out,

Taking note of the conclusions of the above-mentioned report, and in particular of the proposal for oil sales by Iraq to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs for the purpose of providing humanitarian relief,

Taking note also of the letters dated 14 April 1991, 31 May 1991, 6 June 1991, 9 July 1991 and 22 July 1991 from the Minister of Foreign Affairs of Iraq and the Permanent Representative of Iraq to the Chairman of the Committee established by resolution 661 (1990) concerning the export from Iraq of petroleum and petroleum products,

Convinced of the need for equitable distribution of humanitarian relief to all segments of the Iraqi civilian population through effective monitoring and transparency,

Recalling and reaffirming in this regard its resolution 688 (1991) and in particular the importance which the Council attaches to Iraq allowing unhindered access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and making available all necessary facilities for their operation, and in this connection stressing the important and continuing role played by the Memorandum of Understanding between the United Nations and the Government of Iraq of 18 April 1991 (S/22663),

Recalling that, pursuant to resolutions 687 (1991), 692 (1991) and 699 (1991), Iraq is required to pay the full costs of the Special Commission and the IAEA in carrying out the tasks authorized by section C of resolution 687 (1991), and that the Secretary-General in his report to the Security Council of 15 July 1991 (S/22792), submitted pursuant to paragraph 4 of resolution 699 (1991), expressed the view that the most obvious way of obtaining financial resources from Iraq to meet the costs of the Special Commission and the IAEA would be to authorize the sale of some Iraqi petroleum and petroleum products; recalling further that Iraq is required to pay its contributions to the Compensation Fund and half the costs of the Iraq-Kuwait Boundary Demarcation Commission, and recalling further that in its resolutions 686 (1991) and 687 (1991) the Security Council demanded that Iraq return in the shortest possible time all Kuwaiti property seized by it and requested the Secretary-General to take steps to facilitate this,

Acting under Chapter VII of the Charter,

1. Authorizes all States, subject to the decision to be taken by the Security Council pursuant to paragraph 5 below and notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990), to permit the import, during a period of 6 months from the date of passage of the resolution pursuant to paragraph 5 below, of petroleum and petroleum products originating in Iraq sufficient to produce a sum to be determined by the Council following receipt of the report of the Secretary-General requested in paragraph 5 of this resolution but not to exceed 1.6 billion United States dollars for the purposes set out in this resolution and subject to the following conditions:

(a) Approval of each purchase of Iraqi petroleum and petroleum products by the Security Council Committee established by resolution 661 (1990) following notification to the Committee by the State concerned;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into an escrow account to be established by the United Nations and to be administered by the Secretary-General, exclusively to meet the purposes of this resolution;

(c) Approval by the Council, following the report of the Secretary-General requested in paragraph 5 of this resolution, of a scheme for the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs as referred to in paragraph 20 of resolution 687 (1991), in particular health related materials, all of which to be labelled to the extent

possible as being supplied under this scheme, and for all feasible and appropriate United Nations monitoring and supervision for the purpose of assuring their equitable distribution to meet humanitarian needs in all regions of Iraq and to all categories of the Iraqi civilian population, as well as all feasible and appropriate management relevant to this purpose, such a United Nations role to be available if desired for humanitarian assistance from other sources;

(d) The sum authorized in this paragraph to be released by successive decisions of the Committee established by resolution 661 (1990) in three equal portions after the Council has taken the decision provided for in paragraph 5 below on the implementation of this resolution, and notwithstanding any other provision of this paragraph, the sum to be subject to review concurrently by the Council on the basis of its ongoing assessment of the needs and requirements;

2. Decides that a part of the sum in the account to be established by the Secretary-General shall be made available by him to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687, and the cost to the United Nations of its roles under this resolution and of other necessary humanitarian activities in Iraq;

3. Decides further that a part of the sum in the account to be established by the Secretary-General shall be used by him for appropriate payments to the United Nations Compensation Fund, the full costs of carrying out the tasks authorized by Section C of resolution 687 (1991), the full costs incurred by the United Nations in facilitating the return of all Kuwaiti property seized by Iraq, and half the costs of the Boundary Commission;

4. Decides that the percentage of the value of exports of petroleum and petroleum products from Iraq, authorized under this resolution to be paid to the United Nations Compensation Fund, as called for in paragraph 19 of resolution 687 (1991), and as defined in paragraph 6 of resolution 692 (1991), shall be the same as the percentage decided by the Security Council in paragraph 2 of resolution 705 (1991) for payments to the Compensation Fund, until such time as the Governing Council of the Fund decides otherwise;

5. Requests the Secretary-General to submit within 20 days of the date of adoption of this resolution a report to the Security Council for decision on measures to be taken in order to implement paragraphs 1 (a), (b) and (c), estimates of the humanitarian requirements of Iraq set out in paragraph 2 above and of the amount of Iraq's financial obligations set out in paragraph 3 above up to the end of the period of the authorization in paragraph 1 above, as well as the method for taking the necessary legal measures to ensure that the purposes of this resolution are carried out and the method for taking account of the costs of transportation of such Iraqi petroleum and petroleum products;

6. Further requests the Secretary-General in consultation with the International Committee of the Red Cross to submit within 20 days of the date of adoption of this resolution a report to the Security Council on activities undertaken in accordance with paragraph 31 of resolution 687 (1991) in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990;

7. Requires the Government of Iraq to provide to the Secretary-General and appropriate international organizations on the first day of the month immediately following the adoption of the present resolution and on the first day of each month thereafter until further notice, a statement of the gold and foreign currency reserves it holds whether in Iraq or elsewhere;

8. Calls upon all States to cooperate fully in the implementation of this resolution;

9. Decides to remain seized of the matter.



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ORIGINAL: FRENCH

France, Union of Soviet Socialist Republics, United Kingdom
of Great Britain and Northern Ireland and United States of
America: draft resolution

The Security Council,

Recalling its resolution 687 (1991), and its other resolutions on this matter,

Recalling the letter of 11 April 1991 from the President of the Security Council to the Permanent Representative of Iraq to the United Nations (S/22485) noting that on the basis of Iraq's written agreement (S/22456) to implement fully resolution 687 (1991) the preconditions established in paragraph 33 of that resolution for a cease-fire had been met,

Noting with grave concern the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General, conveying information obtained from the Executive Chairman of the Special Commission and the Director-General of the IAEA which establishes Iraq's failure to comply with its obligations under resolution 687 (1991),

Recalling further the statement issued by the President of the Security Council on 28 June 1991 (S/22746) requesting that a high-level mission consisting of the Chairman of the Special Commission, the Director-General of the IAEA, and the Under-Secretary-General for Disarmament Affairs be dispatched to meet with officials at the highest levels of the Government of Iraq at the earliest opportunity to obtain written assurance that Iraq will fully and immediately cooperate in the inspection of the locations identified by the Special Commission and present for immediate inspection any of those items that may have been transported from those locations,

Dismayed by the report of the high-level mission to the Secretary-General (S/22761) on the results of its meetings with the highest levels of the Iraqi Government,

Gravely concerned by the information provided to the Council by the Special Commission and the IAEA on 15 July 1991 (S/22788) and 25 July 1991 (S/22837) regarding the actions of the Government of Iraq in flagrant violation of resolution 687 (1991),

Gravely concerned also by the evidence in the letter of 7 July 1991 from the Minister of Foreign Affairs of Iraq to the Secretary-General and in subsequent statements and findings that Iraq's notifications of 18 and 28 April were incomplete and that it had concealed activities, which both constituted material breaches of its obligations under resolution 687 (1991),

Noting also from the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General that Iraq has not fully complied with all of its undertakings relating to the privileges, immunities and facilities to be accorded to the Special Commission and the IAEA inspection teams mandated under resolution 687 (1991),

Affirming that in order for the Special Commission to carry out its mandate under paragraph 9 (b) (i), (ii) and (iii) of resolution 687 (1991) to inspect Iraq's chemical and biological weapons and ballistic missile capabilities and to take possession of them for destruction, removal or rendering harmless, full disclosure on the part of Iraq as required in paragraph 9 (a) of resolution 687 (1991) is essential,

Affirming that in order for the IAEA, with the assistance and cooperation of the Special Commission, to determine what nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to them need, in accordance with paragraph 13 of resolution 687 (1991), to be destroyed, removed or rendered harmless, Iraq is required to make a declaration of all its nuclear programmes including any which it claims are for purposes not related to nuclear-weapons-usable material,

Affirming that the aforementioned failures of Iraq to act in strict conformity with its obligations under resolution 687 (1991) constitutes a material breach of its acceptance of the relevant provisions of resolution 687 (1991) which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region,

Affirming further that Iraq's failure to comply with its safeguards agreement with the International Atomic Energy Agency, concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, as established by the resolution of the Board of Governors of the IAEA of 18 July 1991 (GOV/2532), 1/ constitutes a breach of its international obligations,

1/ A/45/1037; S/22812, appendix.

Determined to ensure full compliance with resolution 687 (1991) and in particular its section C,

Acting under Chapter VII of the Charter,

1. Condemns Iraq's serious violation of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to cooperate with the Special Commission and the IAEA, which constitutes a material breach of the relevant provisions of resolution 687 which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region;

2. Further condemns non-compliance by the Government of Iraq with its obligations under its safeguards agreement with the International Atomic Energy Agency, as established by the resolution of the Board of Governors of 18 July, which constitutes a violation of its commitments as a party to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

3. Demands that Iraq

- (i) provide full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 km, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material, without further delay;
- (ii) allow the Special Commission, the IAEA and their Inspection Teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect;
- (iii) cease immediately any attempt to conceal, or any movement or destruction of any material or equipment relating to its nuclear, chemical or biological weapons or ballistic missile programmes, or material or equipment relating to its other nuclear activities without notification to and prior consent of the Special Commission;
- (iv) make available immediately to the Special Commission, the IAEA and their Inspection Teams any items to which they were previously denied access;
- (v) allow the Special Commission, the IAEA and their Inspection Teams to conduct both fixed wing and helicopter flights throughout Iraq for all relevant purposes including inspection, surveillance, aerial surveys, transportation and logistics without interference of any kind and upon such terms and

conditions as may be determined by the Special Commission, and to make full use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission;

- (vi) halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes until the Security Council determines that Iraq is in full compliance with this resolution and paragraphs 12 and 13 of resolution 687 (1991), and the IAEA determines that Iraq is in full compliance with its safeguards agreement with that Agency;
- (vii) ensure the complete implementation of the privileges, immunities and facilities of the representatives of the Special Commission and the IAEA in accordance with its previous undertakings and their complete safety and freedom of movement;
- (viii) immediately provide or facilitate the provision of any transportation, medical or logistical support requested by the Special Commission, the IAEA and their Inspection Teams;
- (ix) respond fully, completely and promptly to any questions or requests from the Special Commission, the IAEA and their Inspection Teams;

4. Determines that Iraq retains no ownership interest in items to be destroyed, removed or rendered harmless pursuant to paragraph 12 of resolution 687 (1991);

5. Requires that the Government of Iraq forthwith comply fully and without delay with all its international obligations, including those set out in the present resolution, in resolution 687 (1991), in the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 and its safeguards agreement with the IAEA;

6. Decides to remain seized of this matter.



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LETTER DATED 14 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith the text of the note of protest No. 7/3/4/1/66330, dated 14 August 1991, from the Ministry of Foreign Affairs of the Republic of Iraq to the Ministry of Foreign Affairs of Turkey concerning the violation by the Turkish army of the Iraqi territory.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex

Letter dated 14 August 1991 from the Ministry of Foreign
Affairs of Iraq addressed to the Ministry of Foreign
Affairs of Turkey

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Ministry of Foreign Affairs of the Republic of Turkey and has the honour to refer to the statements by Mr. Barlas Doughar, Minister of Defence of Turkey, which were quoted by the Anatolia News Agency on 12 August 1991.

The Ministry of Foreign Affairs of the Republic of Iraq once again protests vigorously against the violation by the Turkish army of the territory of the Republic of Iraq and the aggression against its national sovereignty. This conduct is a manifest violation of the Charter of the United Nations, international law and the Iraqi-Turkish Frontier Treaty of 1926. It also gravely impairs the relations of good-neighbourliness and cooperation between the Iraqi and Turkish peoples.

The Ministry of Foreign Affairs of the Republic of Iraq further notes that Mr. Barlas Doughar, Minister of Defence of Turkey, stated officially that the creation of what he termed a no-man's land inside Iraqi territory along the frontier between Iraq and Turkey was a decision to be taken by the Turkish Government. The Ministry of Foreign Affairs of the Republic of Iraq considers that this statement is totally unacceptable and inadmissible and that it is contrary to all the principles of international law and is totally incompatible with relations of good-neighbourliness between Iraq and Turkey. Sovereignty over Iraqi territory is a responsibility of the Iraqi State which cannot, under any circumstances whatever, pass to the Government of another State.

The Ministry of Foreign Affairs of the Republic of Iraq affirms that Iraq is fully entitled to make whatever response it considers appropriate, in accordance with international law and the Charter of the United Nations, to the violations of its sovereignty and of the integrity of its national territory; it requests that the Turkish Ministry of Foreign Affairs provide an official explanation of the statements by Mr. Barlas Doughar, that the units of the Turkish army leave Iraqi territory immediately and that such violations of Iraqi territory are not repeated, in order to preserve the relations of good-neighbourliness between Iraq and Turkey and to avoid any deterioration in those relations as a result of such violations.

The Ministry of Foreign Affairs of the Republic of Iraq takes this opportunity to convey to the Ministry of Foreign Affairs of Turkey the assurances of its highest consideration.



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14 August 1991

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REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS
OF THE ALTERNATE REPRESENTATIVE OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 12 August 1991 from the Chargé d'affaires of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations stating that Mr. Michael C. Wood has been appointed alternate representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.



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S/22945
14 August 1991

ORIGINAL: ENGLISH

LETTER DATED 8 AUGUST 1991 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I would like to draw your attention to some recent developments relating to the situation in Cambodia.

You will recall that His Royal Highness Prince Norodom Sihanouk convened a meeting of the Supreme National Council of Cambodia (SNC) in Pattaya, from 24-26 June 1991 (A/46/271-S/22740). The Co-Chairmen of the Paris Conference on Cambodia (PCC) and my Special Representative, Mr. Rafeeuddin Ahmed, were invited to attend as observers. At that meeting, a number of important decisions were taken. In particular, the SNC unanimously agreed to an immediate and unlimited cease-fire and to undertake to stop receiving outside military assistance.

You will further recall that, on 16-17 July, an informal meeting of the SNC was convened in Beijing by Prince Sihanouk (A/46/310-S/22808). The Co-Chairmen of the PCC and my Special Representative again participated as observers. At that meeting, the SNC unanimously elected Prince Sihanouk to be its President. The SNC also reiterated its acceptance of the 28 August 1990 Framework for a Comprehensive Political Settlement of the Cambodia Conflict (A/45/472-S/21689), in its entirety. In that connection, the SNC unanimously decided to request the United Nations to dispatch a survey team to Cambodia.

I have the honour to inform you that, in a letter dated 16 July addressed to me by Prince Sihanouk on behalf of the SNC, it is stated that the SNC

"has decided to request the United Nations to send a survey mission in order to evaluate the modalities of control and an appropriate number of United Nations personnel to control the cease-fire and the cessation of foreign military aids in cooperation with the SNC Military Working Group."

On 17-18 July, a meeting of the Co-Chairmen of the PCC and the five permanent members of the Security Council was held in Beijing, in the presence of my Special Representative (A/46/340-S/22889). The final communiqué of that meeting, addressing the results of the two recent SNC meetings, stated that

"The Five and Indonesia welcome the decision of the SNC to implement an unlimited cease-fire. They also welcome its decision to stop receiving foreign military assistance, will respect this decision themselves and call upon all concerned countries to do likewise. The Five and Indonesia also express the hope that the countries neighbouring Cambodia will prohibit the delivery of military equipment to any of the Cambodian parties from their territory. They also reiterate that the withdrawal of foreign military forces, the cease-fire and the cessation of outside military assistance must be effectively verified and supervised by the United Nations.

"To that end, they welcome the proposal made by the SNC that a United Nations survey mission should be sent to Cambodia. They agreed to recommend the dispatch of such a mission. The mission would begin the process of preparing for the military aspects of UNTAC and could consider how the Secretary-General of the United Nations can use his good offices to help maintain the unlimited informal cease-fire now in effect."

I wish to inform you that it is my intention to proceed with the necessary arrangements for the dispatch of a survey mission to Cambodia as soon as possible.

(Signed) Javier PEREZ de CUELLAR



Security Council

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S/22946
14 August 1991
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 14 AUGUST 1991 FROM THE PRESIDENT OF THE
SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 8 August 1991 (S/22945) concerning the dispatch of a survey mission to Cambodia has been brought to the attention of the members of the Security Council. They agree with the proposal contained in your letter.

(Signed) José AYALA LASSO
President of the Security Council



Security Council

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S/22947
15 August 1991
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ORIGINAL: ENGLISH/RUSSIAN

LETTER DATED 14 AUGUST 1991 FROM THE REPRESENTATIVES OF THE
UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED STATES
OF AMERICA ADDRESSED TO THE SECRETARY-GENERAL

We have the honour to transmit herewith the texts of a joint letter from the Secretary of State of the United States of America, James A. Baker, III, and the Minister for Foreign Affairs of the Union of Soviet Socialist Republics, Aleksandr A. Bessmertnykh, to you regarding the peace process in Central America, and a joint statement on USSR-United States cooperation in Central America (see annexes).

We should be grateful if you would have the present letter and its annex and enclosure circulated as a document of the Security Council.

(Signed) Thomas R. PICKERING
Permanent Representative
of the United States
of America to the
United Nations

(Signed) Valentin V. LOZINSKIY
Acting Permanent Representative
of the Union of Soviet
Socialist Republics to the
United Nations

Annex

Letter dated 1 August 1991 from the Minister for Foreign
Affairs of the Union of Soviet Socialist Republics and
the Secretary of State of the United States of America
addressed to the Secretary-General

The Presidents of the Union of Soviet Socialist Republics and the United States of America have just concluded a summit meeting in Moscow at which our two Governments agreed to significant reductions in strategic arms and to cooperate closely in the search for peace throughout the world. We discussed the progress being made to complete the Central American peace process by bringing peace to El Salvador and Guatemala. We took note of the great strides made in El Salvador last April under your leadership to reach fundamental agreement on constitutional amendments on all the major issues before the parties: armed forces reform, separation of the security forces from the army, judicial and electoral reform and human rights. We also recognized the progress made in defining terms and modalities of a cease-fire and are pleased that the ONUSAL human rights monitoring group began to function last month.

At the same time, we are deeply concerned that the peace process has not continued to move forward since May. We consider it imperative to reach an early cease-fire agreement in order to avoid putting the major gains made in the peace process at risk. After 15 months of negotiations, it is critical to bring this tragic conflict to an end and permit the normalization and economic growth of all of Central America.

Accordingly, we join in calling on you, Mr. Secretary-General, to take personal leadership of the negotiating process and press both sides to reach rapid agreement on remaining political issues, agreement on a cease-fire, creating appropriate conditions for the full integration of all groups into political life and for national reconciliation. The United States and the Soviet Union are prepared to extend full cooperation to this intensified effort in the context of the Security Council and bilaterally. We offer to join together with you and with the Friends of the Secretary-General to cooperate with a new negotiating round on an intensive basis so that we might offer our full support to help bring the parties to a resolution and help overcome any difficulties. Your own role in this process is critical, of course. The sense of urgency and high priority which your personal and direct leadership of a new negotiating round will send are essential for its success. We look forward to your early response.

James A. BAKER, III
Secretary of State

Aleksandr A. BESSMERTNYKH
Minister for Foreign Affairs

Enclosure

Joint statement of 1 August 1991 on USSR-United States
cooperation in Central America

Minister for Foreign Affairs Aleksandr Bessmertnykh and United States Secretary of State James Baker noted positive trends in Central America towards a settlement of contentious regional problems at the negotiating table and relaxation of tension through national reconciliation. Within this context, the Soviet Foreign Minister and the United States Secretary of State welcomed the resolution of the conflict in Nicaragua, the important accords reached in April between the Government of El Salvador and the Farabundo Martí National Liberation Front, and the launching of a dialogue between the Government of Guatemala and the Guatemalan National Revolutionary Unity Group.

They pointed out that the Soviet-United States cooperation in Central America and the adjacent areas promotes stronger stability in Latin America. The two sides agreed that additional joint steps should be made in the interest of assisting the entire spectrum of the Esquipulas accords, including democratization, cease-fire, and a settlement of the current conflicts, national reconciliation, economic development and regional disarmament.

The Soviet Foreign Minister and the United States Secretary of State urged the United Nations and other international organizations, as well as countries outside the region, including Cuba, to intensify their efforts to resolve the remaining political problems, ensure a cease-fire and finally settle the conflict in El Salvador peacefully. They expressed resolute support for the United Nations Secretary-General's efforts to help negotiate an end to the conflict in El Salvador and urged him to participate personally in the talks to promote a final settlement. They also firmly declared in support of an active involvement of the Secretary-General's Friends - Venezuela, Colombia, Mexico and Spain - in the peace process. As members of the United Nations Security Council, the two sides expressed readiness to play an active constructive role in supporting the talks and implementing accords on a final settlement.

The Soviet Union and the United States are convinced that an end to the conflict in El Salvador will promote the economic development of Central America and will help eliminate the remaining seats of tension in the Caribbean, thereby contributing to further peaceful integration of Latin America.



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15 August 1991
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LETTER DATED 15 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that United States aircraft continue to violate Iraqi airspace, as follows:

1. The United States Air Force continued its activity inside Iraqi airspace on 13 August 1991 when 35 sorties were flown by 17 two-aircraft formations and a single aircraft.
2. The flights were centred over Arbil, Dohuk, Amadiyah, Zakho, Mosul and northern Tal'afar at altitudes ranging from 2,500 to 10,000 metres and at speeds of 650 to 900 kilometres per hour, for the purposes of observation and provocation.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative



Security Council

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S/22949
15 August 1991

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 AUGUST 1991 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF SOUTH AFRICA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

The Chargé d'affaires a.i. of the Republic of South Africa to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to the latter's Note SCPC/7/91 (4-1) dated 3 July 1991, has the honour to inform the Secretary-General that the arrangements made to comply with Security Council resolution 661 (1990), details of which were contained in the Permanent Representative's Note 8/3/2 over 9/1/7/3 of 30 November 1990, remain in force. These regulations will also apply to the provisions of paragraph 24 of Security Council resolution 687 (1991).

Because the South African Government took a specific Cabinet decision on 22 August 1990 to abide by the Security Council decisions, regarding sanctions against Iraq, these regulations will also be enforced until such time as the Security Council changes its previous decisions in this regard.



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ORIGINAL: ARABICLETTER DATED 15 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE
OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

On instructions from my Government, I wish to inform you of the details of a serious incident which occurred on Wednesday, 14 August 1991 when a Kuwaiti group led by the Kuwaiti Vice-Minister for the Interior was going to inspect the frontier post in the Kuwaiti demilitarized zone with the knowledge of the United Nations Iraq-Kuwait Observation Mission (UNIKOM). The Kuwaiti group was accompanied by Captain Paul Wink and Captain Phillip Point of UNIKOM.

While the group was making for the Suqaihid frontier post, one of the UNIKOM vehicles became immobilized as a result of the rough road and the Kuwaiti group was obliged to leave two vehicles in order to assist the broken-down vehicle. Shortly afterwards, the immobilized group was surprised by a red 1990 Chevrolet carrying about eight Iraqi soldiers commanded by an Iraqi first lieutenant. They opened fire on the Kuwaiti group which was therefore obliged to return the fire and to rescue the individuals in the broken-down vehicle and set off to rejoin the remainder of the Kuwaiti group and report the incident to Captain Wink and Captain Point. A UNIKOM vehicle set out immediately for the scene of the incident, accompanied by a colonel and a Kuwaiti officer, and arrived at the same time as an Observation Mission helicopter. The observers were surprised to find that the Iraqi Army personnel had increased to full company strength and were attempting to take possession of the disabled Kuwaiti vehicle by force. As the Iraqi soldiers refused to withdraw to the frontier, the UNIKOM personnel were obliged to argue with them, warning them that they had committed serious violations of the Kuwaiti border (carriage of arms, theft and crossing the border to a distance of 2 kilometres) and that they must withdraw immediately. The members of the Observation Mission then towed the disabled Kuwaiti vehicle to the UNIKOM position.

This incident is a flagrant violation of the cease-fire arrangements between Kuwait and Iraq and an example of the intentions of Iraq and of its lack of respect for its commitments, to the detriment of security and stability in the region. After this incident, in which members of the United Nations Observation Mission took part and saw what happened, the Iraqi

S/22950
English
Page 2

authorities will not be able, as they are accustomed to do, to evade their responsibility for the incident since it occurred within sight and earshot of the Mission. The Security Council is therefore requested to warn Iraq against any repetition of such grave violations and to hold it responsible for the full consequences of any recurrence.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative



Security Council

Distr.
GENERAL

S/22951
15 August 1991

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF
THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON
THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 13 August 1991 from the Permanent Representative of the United States of America to the United Nations stating that Mr. George E. Moose has been appointed deputy representative of the United States of America on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.



Security Council

Distr.
GENERAL

S/22952
16 August 1991
ENGLISH
ORIGINAL: ARABIC

NOTE DATED 14 AUGUST 1991 FROM THE PERMANENT MISSION OF BAHRAIN
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Bahrain to the United Nations presents its compliments to the Secretary-General and, with reference to his note No. SCPC/7/91 (4-1) of 3 July 1991 concerning the implementation of paragraph 24 of Security Council resolution 687 (1991) and of Security Council resolution 700 (1991), has the honour to state that Bahrain has adhered to the implementation of the boycott in all its forms and at all governmental and non-governmental levels and that it continues to adhere to its implementation up to the present moment. The boycott extends to the following:

1. Freezing of Iraqi deposits and of banking operations.
2. A halt to land, sea and air travel between the two countries.
3. Prohibition of importation from or exportation to Iraq.
4. Prohibition of all forms of technical cooperation.



General Assembly Security Council

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A/46/368
S/22953
16 August 1991
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-sixth session
Item 31 of the provisional agenda*
THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE
AND SECURITY AND PEACE
INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Letter dated 15 August 1991 from the Permanent Representative
of Guatemala to the United Nations addressed to the
Secretary-General

I have the honour to transmit to you the text of a press release issued yesterday by the Government of Guatemala in connection with Belize (see annex), expressly recognizing its right to self-determination. This statement is designed to facilitate negotiations between Guatemala and Belize with a view to finding a definitive solution that is just and honourable for both parties.

I should be grateful if you would have the above-mentioned communication distributed as an official document of the General Assembly, under item 31 of the provisional agenda, and of the Security Council.

(Signed) Francisco VILLAGRAN DE LEON
Ambassador
Permanent Representative

* A/46/150.

A/46/368
S/22953
English
Page 2

ANNEX

Press release issued by the Guatemalan Government
on 14 August 1991

The Government of Guatemala, in the light of recent speculation about the case of Belize and taking into account that Belize has been recognized internationally as a member of numerous international organizations, states that it is the desire of the people of Guatemala to live in peace and harmony with their neighbours and to establish ties of friendship and cooperation with the nations of the Carribean Community.

It therefore declares that, in keeping with the spirit of the Constitution of the Republic of Guatemala and international law, it recognizes the right of the people of Belize to self-determination. The Government of Guatemala also states that, in accordance with provisional article 19 of the Constitution, it will continue negotiating and will pursue all civilized, legal means leading to a definitive solution of the territorial dispute.



Security Council

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16 August 1991
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LETTER DATED 14 AUGUST 1991 FROM THE SECRETARY-GENERAL ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter of 11 July 1991 (S/22797) to the President of the Security Council and his reply of 16 July 1991 (S/22798) concerning the appointment of the Chief Military Observer of the United Nations Angola Verification Mission (UNAVEM II).

On 25 July 1991, the Nigerian authorities informed me that, due to exigencies of service, they were no longer able to make Major-General Lawrence A. Uwumarogie available to command UNAVEM II.

Having further consulted the two parties, I now propose, with the consent of the Council, to appoint Major-General Edward Ushie Unimna (Nigeria) as the Chief Military Observer of UNAVEM II after the present Chief Military Observer, Brigadier-General Pericles Ferreira Gomes (Brazil), lays down his command.

I should be grateful if you would bring this matter to the attention of members of the Security Council.

(Signed) Javier PEREZ de CUELLAR



Security Council

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S/22955
16 August 1991
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 16 AUGUST 1991 FROM THE PRESIDENT OF THE
SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 14 August 1991 (S/22954) concerning the appointment of a new Chief Military Observer of the United Nations Angola Verification Mission (UNAVEM II) has been brought to the attention of the members of the Security Council. They agree with the proposal contained in your letter.

(Signed) José AYALA LASSO
President of the Security Council



Security Council

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S/22956
16 August 1991
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 16 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that United States aircraft continue to violate Iraqi airspace, as follows:

1. American air activity inside Iraqi airspace on 14/15 August 1991 amounted to 20 sorties flown by nine two-aircraft formations and four single aircraft at speeds of 600 to 800 kilometres per hour and at altitudes ranging from 5,000 to 7,500 metres.
2. Air activity centred over Arbil, Rawandaz, Zakho, Mosul and Amadiyah, for the purpose of observation and provocation.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative



Security Council

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GENERAL

S/22957
16 August 1991
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 16 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE
OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to refer to the statement that I made before the Security Council at its meeting held on 15 August 1991. At that time I stated that, because of the time constraint and the length of the statements that I had prepared on the draft resolutions subsequently adopted by the Council on the same day as its resolutions 705, 706 and 707 (1991), I would present only a summary of Iraq's position with regard to resolutions 705 and 707.

Accordingly, I am sending you the full texts of the statements relating to our position on the two aforementioned resolutions.

I should be grateful if you would have these two statements circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex I

Statement by Mr. Abdul Amir A. Al-Anbari to the Security
Council at its meeting on 15 August 1991

Mr. President,

I should like to tell you once again how much my delegation appreciates the wisdom with which you have been directing the Council's work since you became President for the month of August.

The Council is meeting today to consider the recommendation made by the Secretary-General in his letter dated 31 May 1991 (S/22661), namely that the contribution to be levied on Iraq's petroleum reserves should be limited to 30 per cent. It also appears that the contribution would begin to be deducted as soon as petroleum exports resume. In this connection, I would like to reiterate what the Iraqi Minister for Foreign Affairs said in the letter which he sent to the President of the Security Council for May 1991, and also what was said in note No. 124 dated 27 May 1991 from the Iraqi Mission, annexed thereto, before explaining to the Council why it should lower the level of the contribution and defer the date on which the contribution would begin to be levied.

The Iraqi Mission has already sent the Secretary-General an official report (annexed to its note No. 72 of 29 April 1991) on Iraq's economic situation, for him to take into account in calculating the contribution referred to in paragraph 19 of Security Council resolution 687 (1991).

The Iraqi Mission also requested the Secretary-General, in its note No. 77 of 1 May 1991, to bring the aforesaid report to the attention of members of the Council. We appreciate the fact that, in proposing a 30 per cent ceiling, the Secretary-General has sought to take account both of the report and of the considerations mentioned in paragraph 19 of resolution 687 (1991). None the less, my Government, which is a daily witness to the sufferings endured by the Iraqi population of all social classes and to the economic difficulties faced by Iraq as a society and a State as a result of the continuation of the embargo imposed on Iraq on 6 August 1990, considers it useful to recall the three considerations which must, according to paragraph 19 mentioned above, be taken into account in determining the level of the contribution, namely:

- the requirements of the people of Iraq;
- Iraq's payment capacity in the light of its external debt service;
- the needs of the Iraqi economy.

These considerations are neither static nor fixed; on the contrary, they are constantly evolving: the situation is in fact becoming increasingly critical and is deteriorating steadily both as a result of the continued embargo on Iraqi imports and on Iraq's petroleum exports and because certain States members of the Sanctions Committee have managed to prevent the implementation of paragraph 23 of resolution 687 (1991) providing for exceptions to be made to the prohibition against the export of Iraqi petroleum in order to finance the purchase of foodstuffs and other products. The international press, in particular The Washington Post of 23 June 1991 and The New York Times of 25 June 1991, and also the study published by a Harvard University medical mission which visited Iraq, the exhaustive report entitled "Modern warfare and the environment: a case study of the Gulf war" published by Greenpeace last May and the even more detailed report of the mission headed by Prince Sadruddin Aga Khan, Executive Delegate of the Secretary-General, have established objectively and impartially, with supporting facts and statistics, that the 42 days of air raids against Iraq inflicted damage on the economic and industrial infrastructure and on the means of modern life which, like the social, economic and health consequences of the bombing, was far more serious than reported in the military communiqués and preliminary assessments issued during and after the cessation of military operations. Likewise, the continuation of economic sanctions despite Iraq's acceptance of all the relevant Council resolutions and its full cooperation with the commissions and missions sent by the United Nations, and the failure of the Sanctions Committee to approve the resumption of petroleum exports under the exception provided for in paragraph 23 of resolution 687 (1991), are likely to perpetuate the consequences of the savage bombing raids on Iraq, thereby affecting future generations, the environment and Iraq's economic means of development. We are forced to ask ourselves, therefore, what is the real purpose of continuing the embargo against the Iraqi people and insisting that Iraq may not benefit from the exception provided for in paragraph 23 of resolution 687 (1991).

It is no exaggeration to say that continuing the embargo goes beyond the goals pursued by the Security Council and that the serious consequences of such a course, which include the spread of epidemics, will sooner or later affect the other countries of the region at the least.

Let me now give a conservative assessment of Iraq's financial obligations with respect to servicing its external debt, as well as of the basic needs of the Iraqi population in terms of food, medical and other supplies and the requirements for the reconstruction of the country's economic infrastructure as provided for in paragraph 19 of resolution 687.

On 31 December 1990, Iraq's external debt and financial commitments amounted to more than 13,118,000,000 dinars or more than \$42,097,000,000, not taking into account the interest on these debts, namely an outstanding amount of \$3.4 billion (one dinar equals about \$3.20 at the official rate). These debts represent for the Iraqi economy 65 per cent of GDP, and 97 per cent of them are scheduled for repayment over the coming five years. For this reason, we have requested - as I shall explain below - a five-year grace period in order to enable us to honour these debts.

As for the basic needs, which relate also to imports or the replenishment of food reserves, primary commodities and the expenditures to be incurred on partially repairing the damaged facilities in the civilian and public sector and relaunching the development projects that were under way before the embargo, these are estimated at \$140 billion, or \$28 billion a year over the period 1991-1995. This figure represents only 60 per cent of the total expenditure, i.e. solely the portion in foreign currency.

Before concluding, I should like to recall paragraph 21 of resolution 687, which provides that the Security Council shall review the embargo on Iraqi imports, with a view to easing or lifting it in the light of the policies and practices of the Government of Iraq in terms of the implementation of all relevant resolutions of the Security Council. Despite its reservations regarding some of these resolutions, my Government has accepted them all and has sought to implement them in good faith and in full cooperation with the United Nations and the commissions and missions it has sent to Iraq with a view to the implementation of the resolutions in question. My Government has done practically everything called for in these resolutions, although their final implementation depends on the work programmes of the international commissions and missions established for this purpose. This may take a long time where certain aspects are concerned, such as the elimination of weapons of mass destruction, the demarcation of the international frontiers and other issues for which the Security Council has assigned responsibility to the Secretariat or the commissions or other bodies established for this purpose.

The measures taken by my Government in implementation of the Security Council resolutions have been described in detail by the Iraqi Minister for Foreign Affairs in his letter dated 8 June 1991 addressed to the Ministers for Foreign Affairs of some countries members of the Council; that letter is annexed hereto as an integral part of my statement.

Iraq accordingly has high hopes that the Council will review the provisions of the embargo - since more than 130 days have elapsed since the adoption of resolution 687 on 3 April 1991 - and that it will take a decision on this subject in the light of the considerations set forth above.

Annex II

Letter dated 8 June 1991 from the Minister for Foreign Affairs
of Iraq addressed to a number of the Ministers for Foreign
Affairs of the States members of the Security Council

As you are well aware, the Iraqi Government accepted Security Council resolution 687 (1991) and gave notice of its acceptance in its letter of 6 April 1991 addressed to both the President of the Security Council and the Secretary-General. I should like on this occasion to confirm to you that the Iraqi Government has complied with the said resolution and adopted a positive attitude towards it ever since its adoption. Allow me to review for you the measures taken in this connection by the Government of Iraq.

1. In connection with section A of the resolution, concerning demarcation of the boundary between Iraq and Kuwait, the Iraqi Government has appointed its representative to the Boundary Demarcation Commission, which held its first session of meetings in New York from 23 to 24 May 1991. Iraq's representative participated actively, in a constructive and cooperative spirit, in the work of that session.

2. In connection with section B of resolution 687 (1991), concerning deployment of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), the competent Iraqi authorities have received the Chief Military Observer, Major-General Günther Grcindl, on several occasions in Baghdad since his appointment, together with his assistants. Agreement was reached at these meetings on all the requirements for the deployment of UNIKOM in the demilitarized zone established under the resolution, which came into effect on 9 May 1991.

Cooperation between the competent Iraqi authorities and UNIKOM continues through the channels designated for that purpose between, respectively, the Iraqi Government, UNIKOM headquarters and the United Nations Secretariat.

3. In connection with section C of the resolution, which calls for a series of undertakings to dispense with weapons of mass destruction and neither to use, develop, construct nor acquire any such weapons, Iraq has deposited the instrument whereby the Republic of Iraq ratifies the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972. Iraq has also affirmed its unconditional commitment to its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925. In addition, the Iraqi Government has provided details of the locations, amounts and types of items relating to chemical weapons and ballistic missiles specified in the resolution and agreed to an inspection of the sites concerned, as laid down in the resolution.

Iraq has also unconditionally undertaken not to use, develop, construct or acquire any of the items specified in the resolution. It has affirmed its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 and unconditionally agreed not to acquire or develop nuclear weapons or nuclear-weapons-usable material. Iraq informed the International Atomic Energy Agency (IAEA), in a letter dated 27 April 1991 from the Minister for Foreign Affairs, that it was prepared to cooperate with the Agency in implementing the provisions of the resolution: the letter was accompanied by tables providing information on Iraq's nuclear facilities. Iraq has also provided detailed information on the situation with regard to other weapons covered by the resolution to the Special Commission established to implement section C.

In a letter dated 17 May 1991, Iraq agreed to the proposals contained in the Secretary-General's letter of 6 May 1991 concerning the privileges and immunities of the Special Commission and its visiting teams.

The nuclear weapons inspection team visited Iraq from 14 to 22 May 1991. On 23 May 1991, IAEA issued a statement affirming that Iraq had cooperated fully and responded to all the requests submitted by the inspection team. A chemical weapons inspection team, accompanied by the Chairman of the Special Commission, is to visit Iraq from 9 to 15 June in order to begin its mission. Iraq has made all the necessary arrangements to ensure that the inspection team's mission is a success.

4. In connection with section D of the resolution, which relates to the return of Kuwaiti property, Mr. J. Richard Foran, Assistant Secretary-General and official responsible for coordinating the return of such property, visited Iraq twice during the month of May 1991. The competent Iraqi authorities expressed their readiness to hand over the Kuwaiti property of which Iraq had already notified the Secretariat of the United Nations. A Kuwaiti civilian aircraft was, in fact, handed over at Amman on 11 May 1991. Mr. Foran also undertook a wide-ranging field visit and saw for himself the gold, coins, banknotes, civilian aircraft, museum antiquities and books that will be returned to Kuwait immediately an agreement is reached establishing a location for the handing over, it being understood that it is this property whose handing over Mr. Foran has determined should have priority at the present stage. The same procedures will doubtless be applied to other Kuwaiti property.

5. In connection with sections E and F, which relate to compensation and the lifting of sanctions, no measures are required on the part of Iraq.

6. In connection with section G of the resolution, the competent Iraqi authorities have taken and are continuing to take measures to repatriate all Kuwaiti and third-country nationals, and they have provided lists of their names and have facilitated the access of the delegation of the International Committee of the Red Cross (ICRC) in Baghdad to all such persons wherever detained. It should be mentioned that the number of those freed and repatriated has reached 6,366 (6,289 Kuwaitis, 36 Americans, 5 Italians,

13 Saudis, 17 Frenchmen, 1 Spaniard, 2 Brazilians, 1 Norwegian, 1 Uruguayan and 1 Irishman). The competent Iraqi authorities are still diligently searching for missing subjects of coalition countries with a view to finding them and repatriating them following registration by the ICRC delegation. The competent Iraqi authorities have directly facilitated all matters relating to the work of the ICRC delegation in the registration of Kuwaiti nationals present in Iraq, thereby enabling the delegation to register more than 3,000 Kuwaitis, and they have endeavoured to return the remains of 15 subjects of the coalition countries.

7. In connection with section H, which relates to international terrorism, it should be mentioned that Iraq is a party to the international conventions relating to numerous aspects of this matter and that it abides by the obligations set forth therein. Iraq has not supported any terrorist activities.

In providing you with these clarifications, we are prompted by the hope that you will deem it appropriate to take account of the facts set forth above in any review that the Security Council might intend to make of Iraq's position on the implementation of Security Council resolution 687 (1991).

(Signed) Ahmed HUSSEIN
Minister for Foreign Affairs
of the Republic of Iraq

Annex III

Statement of the Permanent Representative of Iraq to the
United Nations concerning the draft resolution contained
in document S/22942 of 14 August 1991, made to the
Security Council on 15 August 1991

It is to be noted that the draft resolution is based on two underlying elements which feature in all of its preambular and operative paragraphs and which can be summed up as follows: the circumstances that presented themselves to the second inspection team in the course of its visit to Iraq from 22 June to 3 July 1991, as referred to in the third, fourth, fifth, eighth, ninth and tenth preambular paragraphs; and the resolution of the Board of Governors of the International Atomic Energy Agency (IAEA) of 18 July 1991, as mentioned in the twelfth preambular paragraph.

1. Iraq has already explained in a clear and unequivocal manner and on more than one occasion the circumstances encountered by the second inspection team. The high-level mission led by Mr. Rolf Ekéus was informed during its visit to Iraq of the details of these circumstances, and the Iraqi Government, at the highest levels, provided unambiguous assurances that the Iraqi authorities would provide all possible facilities to the inspection teams. In its report, the high-level mission referred to these assurances and stated that the future would show the extent to which the Government of Iraq would give effect to them. Since that time, several teams have visited Iraq, and a nuclear inspection team and a biological inspection team are still there at this moment. Iraq provided the third nuclear inspection team with all possible facilities and furnished it with an enormous amount of information, as was stated by the Director-General of IAEA at the news conference he held at United Nations Headquarters in New York on 30 July 1991. The leader of the fourth team, Mr. David Kay, has told the news agencies in Baghdad that his team is making progress, that it has obtained much information and that the Iraqis are cooperating with it. The other teams that have visited Iraq have given no indication that they encountered obstacles or any significant problems in their work.

Is it then reasonable, more than a month after the circumstances experienced by the second inspection team and given the excellent experience of cooperation with all the teams that have visited Iraq during this month, to maintain that Iraq is not cooperating and that it is not meeting its obligations? We had been hoping that the Security Council would express its satisfaction at the cooperation that the United Nations teams are receiving from Iraq rather than anticipating that it would adopt a new resolution condemning Iraq because of one incident. Most of the members of the same second inspection team are now in Iraq; they are receiving unparalleled cooperation; information is being exchanged on an immediate basis; and the Council can solicit the opinion of the team leader presently in Baghdad. Is this not one more indication of Iraq's commitment to the Security Council resolution in question? The Council must take this into account.

/...

2. The Board of Governors of IAEA adopted a resolution on 18 July 1991 condemning Iraq for non-compliance with the Agency's safeguards system and informed the Security Council accordingly under the provisions of article XII.C of the Agency's statute. IAEA did not make this notification because it was a task assigned to it under the terms of Security Council resolution 687 (1991), and the notification is therefore no part of that resolution. The situation recorded by the Board of Governors is one that existed before the adoption of Security Council resolution 687 (1991), and that situation came to an end owing to the destruction inflicted on Iraq's nuclear installations. From the legal point of view, therefore, it is not valid that the present draft resolution, which has the appearance of being intended for the purpose of following up the implementation of Security Council resolution 687 (1991), should be based on a situation that existed prior to the adoption of that resolution. In no legal system does a law or a resolution have retroactive effect. The twelfth preambular paragraph cannot therefore be a consideration for the present draft resolution, and the same applies to operative paragraphs 2 and 3.

Moreover, the resolution adopted by the Board of Governors on 18 July contains two operative paragraphs that should be taken into account. The first, paragraph 3, calls upon Iraq to take remedial measures, and it has done this by means of the letters it addressed to the Director-General of IAEA on 10 and 12 July 1991 and the letters exchanged by the chief of the third United Nations inspection team and his Iraqi counterpart. There are no longer in Iraq any nuclear materials, installations or sites that have not been declared. Another operative paragraph of the same resolution, paragraph 7, refers the matter to the next regular session of the IAEA General Conference. This is the supreme authority of the Agency, and most of the world's countries are represented there. Does the present draft resolution seek to prejudge any resolution that might be adopted by the IAEA General Conference and thus deprive the General Conference of the right to decide on a matter that is within its jurisdiction? Under the terms of the Agency's statute, it can take any necessary measures against any of its members. Operative paragraph 2 of the present draft resolution prejudges a matter that is before the next session of the IAEA General Conference by virtue of a resolution of the Board of Governors.

3. With regard to paragraph 3 of the present draft resolution, we should like to assure the Council that the technicians on both sides, the members of the United Nations teams and their Iraqi counterparts, have reached agreement on clear procedures and have put them into effect in such a way as to ensure the convenience of the members of the teams and the speedy completion of the inspection task and to reduce the number of inspection sites to the extent possible so as to facilitate the future task of the teams. Agreement is reached between the two sides on the movement of materials and parts, and times and locations are established before movement is begun. This happened while the third inspection team was there, and it is now taking place while the fourth team is there, without any complications or superfluous bureaucratic formalities. The Council should welcome and record its satisfaction at the establishment of this mechanism, one that is facilitating the work of the inspection teams and reducing the amount of time lost.

4. In light of the foregoing, we feel that the resolution has no substance since it is largely covered by the agreement on the status, privileges and immunities of the Special Commission, IAEA and the inspection teams, an agreement which has been accepted by Iraq. From our point of view, this agreement is workable when the circumstances for cooperation and coordination are present and in our opinion they have come into being and the last month has demonstrated that they have become more firmly established.

5. We should like to ask the Special Commission and the IAEA inspection teams whether they have entered locations that they were previously prohibited from entering or were prevented from inspecting the items that they contain. According to our information, not a single location remains, as is indicated in the reports of the inspection teams, that the teams have not entered and whose contents they have not inspected. More precisely, there was one location around which commotion arose on 28 June 1991. The chief of the third nuclear inspection team agreed to the movement of the items there, equipment and machinery, to the Tuwaitha site. The removal was supervised by two of the members of the United Nations team, the team registered and photographed all of the items, and they were unloaded from the trucks under the supervision of members of the team. The United Nations team released the non-nuclear equipment for use in the reconstruction of basic services in Iraq, and the trucks left the Tuwaitha site under the supervision and with the agreement of the team. All of this is established in the lists and inventories exchanged by the third United Nations team and the Iraqi side. The equipment was stored in an orderly fashion in order to facilitate future inspection by the team. All of this took place quietly and without uproar. So what reason can there now be that the present draft resolution should contain operative paragraph 3? The Council should rather express its satisfaction at the practical steps that have been taken in this regard.

6. With regard to paragraph 3 (v), which refers to the right of inspection teams to use aircraft, we should like to state that Iraq is not against the use of helicopters or fixed-wing aircraft by inspection teams. What it would, however, like to make clear in this respect is that there are difficulties in ensuring the safety of such flights because of the present situation with regard to aspects of logistics, communications and control following the war.

7. Paragraph 4 of the draft resolution determines that Iraq retains no ownership interest in items to be destroyed, removed or rendered harmless. This text is not realistic from the detailed, technical point of view. It is neither wise nor economically feasible to abandon wrecked materials and equipment without returning them to use in other, civilian, industrial roles. Can it be that the scrap metal of a piece of equipment that has been destroyed should be abandoned rather than put to use by melting it down and reusing it for civilian purposes? Can it be that damaged copper piping, for example, should be left lying useless rather than be reused in meeting the Iraqi people's need for basic services? If the inspection teams render a machine harmless, then why cannot Iraq retain its right to use it for another purpose in which there is no harm? From these and other examples, we can see that this paragraph is not realistic and causes unjustifiable material damage to the people of Iraq.

The draft resolution before you not only lacks legal justification but constitutes a fresh violation of Iraq's sovereignty and imposes upon it new burdens under a veil of international legitimacy by seeking to have the Council adopt arbitrary resolutions. This reveals to the entire world that these resolutions are officially adopted by the majority of the Council but are actually part of an iniquitous and hostile policy directed against Iraq by means of which the neo-colonialist States are seeking to make of Iraq a deterrent example to other third world countries and a field of experiment for their schemes to intervene in the affairs of the other countries of the world in order to prevent them from being able to achieve economic development and exercise control over their oil and other natural resources and in order to impose their political hegemony on them.

It is saddening that certain Western States that are permanent members of the Council should make of it an instrument for the pursuit of illegal and hostile actions detrimental to peace and security in the region. They do so under the cover of international legitimacy and by seeking to have new resolutions adopted on one pretext or another in order to tighten their stranglehold on the Iraqi people and hold it hostage to their embargo and their economic sanctions. As long as the Iraqi people does not submit to the wishes of these States, its oil resources are to be held in pawn by them after the countries in question have consolidated their control of other sources of oil in the Arabian Gulf.
